

15-02

**ORDINANCE OF THE BOROUGH OF MERCHANTVILLE,
COUNTY OF CAMDEN AND STATE OF NEW JERSEY
ADDING CHAPTER 83A, USE OF TOBACCO PRODUCTS IN
PUBLIC AREAS, IN THE CODE OF THE BOROUGH OF
MERCHANTVILLE**

BE IT ORDAINED by the Mayor and Borough Council of the Borough of Merchantville, County of Camden, and State of New Jersey, that Chapter 83A, Use of Tobacco Products in Public Areas, in the Code of the Borough of Merchantville, is added as follows:

ARTICLE I. SECTION 83A-1 Definitions.

As used in this chapter, the following words and phrases shall have the following meanings:

MUNICIPAL BUILDINGS — All structures owned, leased, rented and/or operated by the Borough of Merchantville, and/or occupied by Borough employees and used for official business of the Borough of Merchantville.

PARKS AND RECREATIONAL FACILITIES — All public parks, playgrounds and ball fields publicly owned or leased by the Borough of Merchantville upon which the public is invited or upon which the public is permitted and where individuals gather for recreational activities, including all areas adjacent to such facilities, including, but not limited to, any parking area, driveway or drive aisle.

SMOKING — The burning of, inhaling from, exhaling the smoke from, or the possession of a lighted cigar, cigarette, pipe or any other matter or substance which contains tobacco or any other matter that can be smoked, or the inhaling or exhaling of smoke or vapor from an electronic smoking device.

ARTICLE II. SECTION 83A-2 Prohibition of smoking in public places.

A. No person shall smoke within the boundary of the Merchantville Borough-owned

more commonly referred to as the Merchantville Borough Hall, the Merchantville Department of Public Works, the Merchantville Public Library, and/or the Merchantville Community Center.

B. No person shall smoke within five hundred (500) feet of any recreational equipment or recreational playing fields in all public parks and recreation facilities owned or leased by the Borough of Merchantville and all property owned or leased by the Borough of Merchantville upon which the public is invited or upon which the public is permitted and where individuals gather for recreational activities, including all areas adjacent to such facilities, including, but not limited to, any parking area, driveway or drive aisle,

ARTICLE III. SECTION 83A-3 Enforcement.

The enforcement authority of this chapter shall be the Police Department, Fire Department, Recreation Department, Public Works Department and Health Department of the Borough of Merchantville.

ARTICLE IV. SECTION 83A-4 Violations and penalties.

Any person who violates any provision of this Article shall, upon conviction in the Municipal Court of the Borough of Merchantville, or such other court having jurisdiction, be liable to a fine of not less than \$50.00, and not exceeding \$1,250.00, or imprisonment for a term not exceeding 90 days, or community service for a term not exceeding 90 days, or all of the above. Any municipal employee found in violation of this chapter may also be subject to discipline in accordance with the provisions of the Borough of Merchantville's policies and procedures.

ARTICLE V.

All Ordinances contrary to the provisions of this Ordinance are hereby repealed to the extent that they are inconsistent herewith.

ARTICLE VI.

This Ordinance shall take effect upon passage and publication according to law.

THE BOROUGH OF MERCHANTVILLE

BY: _____
EDWARD F. BRENNAN, MAYOR

ATTEST:

**_____
DENISE BROUSE, BOROUGH CLERK**

The foregoing ordinance was introduced by Mayor and Council at a meeting held on March 9, 2015.

This Ordinance will be considered for adoption on final reading and public hearing to be held on April 13, 2015 at 7:30 p.m in the Council Meeting Room, Merchantville Borough Hall, 1 West Maple Avenue, Merchantville, New Jersey.

The purpose of this Ordinance is to regulate the use of tobacco products in all structures owned, leased, rented and/or operated by the Borough of Merchantville, and/or occupied by Borough employees and used for official business of the Borough of Merchantville. A copy of this Ordinance is available at no charge to the general public between the hours of 8:30 AM to 4:30 PM, Monday through Friday (Legal Holidays excluded), at the Office of the Borough Clerk, Merchantville Borough Hall, 1 West Maple Avenue, Merchantville, New Jersey.